



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE
AND J.M.F.C., AT HEGGADADEVANAKOTE**

PRESENT : **SUSHMA.M. B.A.LL.B.,**
Addl.Civil Judge & J.M.F.C,
Heggadadevanakote.

Dated this the 15th Day of MAY 2026

C.Misc. No.109/2026

- PETITIONERS:**
- 1.** Sri.Chunchanayaka,
S/o Late.Bairanayaka,
Aged about 51 years,
 - 2.** Smt.Lakshmi,
D/o Late.Bairanayaka
Aged about 53 years,
 - 3.** Smt.Chikkadevamma,
D/o Bairanayaka,
W/o Bairanayaka,
Aged about 55 years,
1 to 3 are R/o Srirama Badavane,
Saraguru Town & Taluk,
 - 4.** Smt.Devamma,
W/o Chikkanayaka,
D/o Bairanayaka,
Aged about 66 years,
R/o Basapura village,
Kandhalike Hobli,
Saraguru Taluk.

5. Smt.Lakshmamma,
W/o Linganayaka,
D/o Bairanayaka,
Aged about 70 years,
R/o Puradakatte village,
Saraguru Hobli,
Saraguru Taluk.

(By Sri.S.M.P., Advocate)

- V/s -

RESPONDENT :

The Chief Officer,
Birth & Deaths Division,
Office of Pattanna Panchayath,
Saraguru Town.

(ABSENT)

ORDER

The petitioners have filed Petition under section 13(3) and 14 of Registration of Births and Deaths Act 1969, for issuance of direction to respondent to register the date of death of Father of Petitioners Sri.Bairanayaka S/o Late.Chunchanayaka died on 01.04.1998 at Ward No.1, Srirama Badavane, Saraguru Town, Saraguru Taluk, Mysuru District and order to issue death certificate.

2. The fact of the petition is that, the Father of Petitioners Sri.Bairanayaka S/o Late.Chunchanayaka died on 01.04.1998. After his death the petitioners family members could not inform the respondent to enter the date of death of Sri.Bairanayaka S/o

Late.Chunchanayaka died on 01.04.1998 in the register maintained by the respondent, as they were ignorant. The Petitioners applied to the Respondent office to issue death certificate of Sri.Bairanayaka S/o Late.Chunchanayaka died on 01.04.1998. However, the Respondent office has issued non-availability certificate. Now the Petitioners require death certificate for the purpose of change of katha and for other legal necessities.

3. Notice was issued to the Respondent. Inspite of service of notice, the respondent remained absent.

4. In order to prove the case, the Petitioner No.1 examined himself as PW.1 and got marked the Non-availability certificate as Ex.P.1, Reports issued by Thasildar as Ex.P2, Genealogical Tree as Ex.P3, Notarized copies of Aadhar card of petitioners as Ex.P4 to 8 and Paper publication published in Kannada daily newspaper –Kemmugilu and Vishvadutha as Ex.P.9 and 10.

5. Heard the arguments of the counsel for petitioners. Perused the oral and documentary evidence placed on record. The following points would arise for my consideration are as under:

Whether the petition filed U/sec.13(3) and 14 of Birth and Death Registration Act 1969 deserves to be allowed ?

What Order?

6. My answer to the above points are as under:

Point No.1 : In the Affirmative.

Point No.2 : as per final order for the following:

:: R E A S O N S ::

7. POINT NO.1:- This is the petition filed under section 13(3) and 14 of Registration of Births and Deaths Act 1969 for issuance of direction to the respondent to register the date of death of Father of Petitioners by name Sri.Bairanayaka S/o Late.Chunchanayaka and order to issue death certificate.

8. The petitioner No.1 in order to prove his case examined himself as PW.1 and reiterated the petition averments. In his evidence, he deposed that, Father of Petitioners Sri.Bairanayaka S/o Late.Chunchanayaka died on 01.04.1998 at Ward No.1, Srirama Badavane, Saraguru Town and Taluk, Mysuru District and the same was not intimated to the concerned authorities due to lack of knowledge. In this case, admittedly, the petitioners and their family members do not have any Worldly knowledge and they had no knowledge to inform about the death of Father of Petitioners to the concerned authority soon after the death. The Petitioner has produced the Ex.P.1 to Ex.P.9. On perusal of the oral evidence adduced by the petitioner and the documents produced by him it is evident that, Father of Petitioners Sri.Bairanayaka S/o Late.Chunchanayaka died on 01.04.1998. Further, the respondent has remained absent and not contested

the petitioners case. Hence, there is no material on record to disbelieve the version of the petitioner. **Hence, I answered Point No.1 in the 'Affirmative'.**

9. POINT NO.2:- In view of the reasons and discussions on above points, I proceed to pass the following:

O R D E R

The Petition filed under section 13(3) and 14 of Registration of Births and Deaths Act 1969 hereby allowed.

The Respondent is hereby directed to register the date '**01.04.1998**' as the date of death of Father of Petitioners Sri.Bairanayaka S/o Late.Chunchanayaka in the concerned Register of Births and Deaths and issue death certificate in favour of the Petitioners after collecting the required fees towards the same.

(Dictated to the stenographer, transcribed by her, same is corrected and then pronounced in the open court on this the **15th Day of MAY 2026**)

**(SUSHMA.M),
Addl.Civil Judge & JMFC
HEGGADADEVANAKOTE.**

ANNEXURE**List of witnesses examined for petitioner :**

P.W.1 - Sri.Chunchanayaka.

List of witnesses examined for respondent:

- Nil -

List of documents exhibited for petitioner:

Ex.P1 : Non-availability certificate.
Ex.P2 : Report issued by Thasildar.
Ex.P3 : Genealogical tree.
Ex.P4 to 8: Notarized copies of Aadhar card of the petitioners.
Ex.P9 & 10: Paper published in Kemmugilu and Vishvadutha news paper.

List of documents exhibited for the respondent/s:

- Nil -

(SUSHMA.M),
Addl.Civil Judge & JMFC,
HEGGADADEVANAKOTE.